

Commissioner Bob Martineau
Division of Water Resources
TN Dept. of Environment and Conservation
Wm. R. Snodgrass TN Tower
312 Rosa Parks Ave., 11th Floor
Nashville, TN 37243

REF: Water Permits to US Nitrogen

#'s 1. TN0059366 Mosheim WWTP

2. TN008156 USN Discharge into Nolichucky River

**3. NRS 13.205 USN includes pipeline with about 20
streams crossings, intake, and outfall structures
to the Nolichucky River**

Commissioner Martineau, et al:

After several attempts to insure that the US Nitrogen explosive plant meets and or exceeds state and federal regulations I am now going up the chain of command with my issues that have not been addressed. I feel that I am running into a wall that has been set in place prior to any public notifications by the State of their intentions to by pass Federal Clean Water and Air regulations.

I have, and am, read (ing) all the documents that have been sent to me from TDEC, EPA, Army Corp, TVA, Fish and Wildlife, US Nitrogen, Ensaf, water and air documents all from which I have derived my information and knowledge.

Over the past four years, information shows that USN and TDEC meetings were held without any public input or knowledge to the public of said meetings. Those same documents show that these meetings were held prior to an application from USN. These meetings do not provide a level playing field when the supposed regulator and the corporation are the only ones at the table. And over the next four (4) years, more meetings were held, without public notice, which the public was left to discover after many inquires by me. Vojin Janjic, your water-Based Systems manager, was sent several requests for minutes, list of attendees, notes and any handouts, also by me.

When a like request was made to Maybelle Sparks, Environmental Protection Specialist, with like same documents, I was met by silence. After several attempts when asking for these documents I was given a set of documents that were not close to what I was requesting, as a member of Greene County public. Having these documents in hand is a vital part of how and why these permits are even being considered much less being issued. These documents are a matter of public record and must not be denied, for any reason, to the public. The Director/Manager of the Johnson City TDEC, Mark Braswell, has been most responsive to my inquiries. Why not the same consideration from the Nashville office when those documents are not in Johnson City?

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I am sure that you are not interested in these paper grievances. But they do show a problem with public contact with the Nashville office. We all pay taxes. My salary is not as high as yours but I do pay them. Does paying a higher tax mean that I will be getting better treatment? It should not!

Now let us get down to the problems with the Water Permitting for US Nitrogen:

1. Over the past four years, public documents show that USN has left vital parts of applications blank. Conversations with TDEC permit writer, Robbie Baker, shows that he was giving USN information on what would be acceptable for how USN could obtain water and waste treatment in Greene County. This was prior to his sending the application for the use of Lick Creek (Mosheim WWTP) back to USN. If one reads the return letter to USN one will see that the application was immediately revised and returned to TDEC.
2. When the next application came through, the map showed an approval process that, according to Mr. Baker, had to be sent through TVA, Army Corp, Fish and Wildlife, Endangered Species and air issues by the EPA. Then secret meetings were held, while excluding the public, again. A list of attendees at a meeting December 2013 in Knoxville, shows that out of twenty-nine (29) people present nineteen (19) people represented federal and state agencies! This would lead a prudent person to believe that the decisions and conversations during this meeting lead to TDEC's approval of the water permits needed by USN. That same meeting identified that a similar meeting was held in November of 2013. All along while I was being denied access to these documents, and these other documents that were being used to determine how and why USN's application was to be approved. These kinds of meetings appear to violate the Sunshine Act. Perhaps this kind of behavior could be a part of an investigation by the Attorney General into lawlessness by TDEC, and cohorts?
3. Since when can TDEC regulate only one-half (1/2) of the drinking resource and flowing Nolichucky River? This river has a county line in the middle of where the Douthat property will be used to set an intake and discharge site. By not recognizing that the Nolichucky is a vital source of drinking water, as well as having to endure the destruction of Endangered Species leaves me in amazement. The County lines run in the middle of the Nolichucky River for over ten (10) miles. The river is only about two (2') feet deep at the location of the beginning of the destruction. What is wrong with TDEC??? Now I think that legal actions should begin, against you, for failure to notify these two other counties, and USN when TDEC is about to destroy livelihoods, drinking water, farmers, etc. Secrecy is not your friend.

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Telling me that there is not a law that says TDEC has to notify these adjoining counties is not good enough. Read NEPA and see how the US Supreme Court has ruled in these kinds of cases. Not a good position!

When the Army Corp abdicated its responsibilities to TVA to regulate the Endangered Species, oversee and regulate the destruction of a Historical Bridge, listed on the National Register, deny our Cocke and Hamblen neighbors knowledge that TDEC is supplying the tools for USN to destroy the Nolichucky River is a bit of meanness!.

USN, TDEC and The Industrial Development Board of The Town of Greeneville and Greene County, all knew that the publicly known numbers of fifty-four thousand (54,000) gallons of water each day was an out and out lie. The supporting information is in the public record of the Sunshine Legal Action against the "Partnership" sitting in the Greene County Courthouse in Greeneville.

All of us know that the USN placement is a special favored corporation of Governor Haslam. Why else would he send millions of dollars in to Greene County? Only getting only about eighty (80) jobs must sting. Now USN says they are going to spend over \$300 million for 80 jobs. Who is minding the store? Read the paper about these federal funds that are being used in Greene County. Maybe some one is practicing fraud?

Greene County is a small rural E. Tennessee County setting in the Southern Appalachian Mountains. Water is being bought and brought in even as I write this comment letter. What fool determined that water was not a problem? Whoever will eventually see another activity other than this one? Maybe a jail cell could fix these problems. Ya Think?

One thing everyone at TDEC appears to have missed: TVA does not have the authority to oversee/monitor what USN intends to send into the river. What brain thought that one up? TVA owns that river. They do not have authority to write a violation if USN lies (as we have already seen). Surely someone in TDEC can begin the thinking process. It does not hurt! Only, when it does not happen! Would someone provide Robbie Baker with a class in ethics, along with Vojin Janjic'? Either one must have some training in dealing with large corporations and quit rolling over and playing dumb when confronted by the corporation and the public. It appears that a lesson in customer service tactics might even help if someone in Nashville knows what that means. I will leave that task to you if you want to see better days than this one.

4. When the Lick Creek Mosheim WWTP comes up TDEC has set back and watched illegal issues being practiced. When TDEC proceeds in the face of illegal activities TDEC becomes a part of that illegal practice.

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. (You should ask Janjic' for a copy of Mr. Donehue Bible's recent letter on the Douthat action over making a decision to make money off Douthat's vote on property sales). When TDEC refuses to ask for a Environmental Impact Statement (EIS) on this project- makes one want to ask who got the money under the table? The National Environmental Policy Act (NEPA) states that an EIS must be performed when any one activity will have "a significant impact." Try these:

- A. Federal funds in the project. (Only several million today)
- B. Historical Sites (Letter from National Historical Register on Conway Bridge over river at intake/discharge site)
- C. Wetlands (Several hundred acres)
- D. Cultural sites (Indian villages in sight of USN plant Cultural Analyst report)
- E. Endangered Species (The Nolichucky river is loaded Dinkins Report)

Now TDEC must ask for an independent EIS. If not then the federal agencies will come to town and ask why not. Either way it must happen. USN thinks, apparently with thinking from TDEC, that no one will make them take their plant and leave town if they have so much built and spent so much money. You surely are aware that that is not always the case.

In particular when the plant owner is on county land and the so called eighty (80) jobs are not happening in Greene County. This is not spending \$300 million at this plant. USN is using Florida contactors. USN is busing in employees from several miles outside the county. Minorities are less than one fourth of one percent of the population of Greene County. You should notice that the Environmental Justice issue is not even on the radar screen. Used parts are being installed after Katrina clean-up, not new and updated! Oops!

. When a FEMA flooding plan is falsified to the point of not even changing the font to match what is inside is the first clue. Flooding in Greene County is on the radar screen now since the weather patterns have so drastically changed. Read the past four years of weather instead of the weather report from the people at FEMA to suit the Greene County Industrial Development Board. The use of falsified documents in this project would lead a prudent person to know that someone is setting things up for failure, maybe? Someone must look at all the issues not what suits. TDEC has that responsibility. Use it. Recent activity by USN shows the lack of knowledge surrounding this plant and how badly it has been handled, starting by the governor, local "leadership", TDEC along with banks, politicians and just plain uninformed locals. Threatening property owners with "imminent domain", if they do not sell their property, is just plain mean. USN does not even own the property where the plant is intended to sit. USN gave it back to Greene County IDB this past January. Maybe you should verify who owns the property that USN is about to destroy before you hand out a permit to them.

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A fifty foot right of way is what USN says they need to install intake and discharge pipes to the river. That is twice the width of the road that they will be traveling. Destroying the road while going on to personal property, that USN does not own, could cause the sheriff, and ambulance, to show up. If TDEC gives up this amount of property to a permit, that these people do not want to begin with, will only restart another war that no one will come out winning. Holding off rural, southern, mountain gun owners is not something that anyone appears to have considered. The Greene County Sheriff has been called to this area over personal property abuses by USN more than once. And now I am told that people are "carrying", so you figure out what you will be responsible for. Any security that USN comes with, will not hold up when USN tries to use a TDEC piece of paper that was brought on by these so called politicians and "leaders" of Greene County.

Commissioner Martineau, until these issues are dealt with TDEC, Governor Haslam, TVA, USN, Fish and Wildlife, Army Corp, TWRA and the "leaders" of the IDB of Greene County will not be able to finish off these people and their precious water. This is an explosives plant. It uses more water than is available. The Waste Water Treatment plant does not have the capacity for what would come. The issues surrounding NEPA and an EIS have not been dealt with. The use of so many federal funds with the identified abuses of these funds will only hurt this project. USN is not a virgin in how they behave and this is not the first time they have left town with their tails tucked in.

A word of warning: Tell the people the truth up front and do not lie. An industry should match the community that you are dumping on, not dumping and then attempting to force them to accept the dump. Trouble is the only outcome.

Do not issue these permits until the letter of the law is fulfilled. Permits once given will not be legal until the issues are addressed. And the Sunshine Lawsuit is not even in this mix.

Respectfully submitted,

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Cc: See attached page for listing of additional addressees

Additional Addresses

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Johnson City Environmental Field Office, Att: Mark Braswell